

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. H.S./2008/.....

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Shahil
08.11.17

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/ Con. Petn/ Rev. App.

45/04

In O.A.

Name of the Applicant(S) Robin Khan

Name of the Respondent(S) U.O.I. Tony

Advocate for the Applicant G.K. Bhattacharjee, ^{Adv.} B. Chandram

Counsel for the Railway/ C.G.S.C. D. Gossani

OFFICE NOTE | DATE | ORDER OF THE TRIBUNAL

This application is in form
is filed/C. F. I. P's 10/-
deposited

No.119.378.381

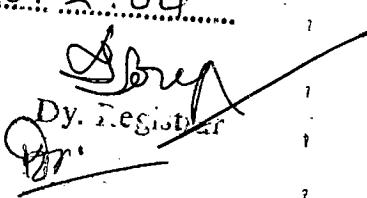
Dated 20.2.04

26.2.2004 Present: The Hon'ble Sri Shanker R
Judicial Member.

The Hon'ble Sri K.V. Prahdan, Administrative Member

Heard learned counsel for the
parties.

The O.A. is disposed of for
the ~~xxxxx~~ reasons recorded in separate
sheets. No costs.

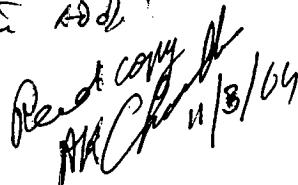

Member (A)


Member (J)

pg

9.3.04
Copy of the judgment
has been sent to the
D.P.C. for sending the
same to the applicant
as well as to the addl.

C.G.S.C.


Recd copy 18/3/04
M.C. 18/3/04

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 111 45 of 2004.

DATE OF DECISION 26.2.2004.

Sri Robin Khan

.....APPLICANT(S).

Mr. G.K. Bhattacharyya

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Ors.

.....RESPONDENT(S)

Sri A.K. Choudhury, Addl. C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
Judgment delivered by Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.45 of 2004.

Date of Order : This the 26th Day of February, 2004.

The Hon'ble Shri Shanker Raju, Judicial Member.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Shri Robin Khan,
Stenographer Grade-C,
Debts Recovery Tribunal,
Guwahati-7.

... Applicant

By Advocate Sri G.K.Bhattacharyya,

- Versus -

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of finance,
Department of Economic Affairs,
Parliament Street, New Delhi.

2. The Presiding Officer,
Debts Recovery Tribunal,
Dr. B.Baruah Road, Ulubari,
Guwahati-7.

3. The Registrar,
Debts Recovery Tribunal,
Dr. B.Baruah Road, Ulubari,
Guwahati-7.

... Respondents.

By Advocate Sri A.K.Choudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

SHANKER RAJU, JUDICIAL MEMBER,

The applicant who had completed deputation with DRT vide communication dated 12.1.2004 addressed to the parent department it was stated by the borrowing department that the office needs the services of the applicant and the applicant is also interested for extension of deputation for a further period of one year i.e. 3rd year. The parent department has agreed to extend the deputation vide communication dated 30.1.04. Vide communication dated 4.2.04 it has been informed to the parent department of the applicant that the applicant going to be repatriated.

2. The learned counsel for the applicant drawing our attention to the representation of the applicant dated 4.2.04 contends that this has been done due to the late

attendance of the applicant in office on 14.1.04. In this view of the matter he expressed his difficulties and to consider his genuine problem of education of the children. The respondents are yet to dispose of the representation of the applicant. Hence the present O.A. is disposed of at the admission stage by directing respondent No.2 to dispose of the representation of the applicant by a detail and speaking order having due regard to his representation dated 6.2.2004 within two weeks from today. If the applicant is still aggrieved he shall be at liberty to approach this Court again.

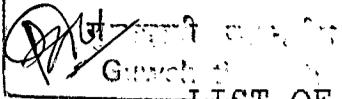
Till disposal of the representation status quo shall be maintained.

O.A. stands disposed of. No costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

24 FEB 200



LIST OF DATES

ORIGINAL APPLICATION NO. OF 2004

Sri Robin Khan ... Applicant

- Versus -

Union of India & ors. ... Respondents

1.3.2002 : On being selected the applicant joined Debts Recovery Tribunal, Guwahati as stenographer Grade 'D' on deputation for one year w.e.f. 15.2.2002.

Annexure-I, Page-13

22.2.2003 : Respondent authority received no objection from the applicants parent department for extending the applicant's deputation by another one year.

The applicant, in the meantime applied for the post of stenographer Grade 'C' in the D.R.T. on deputation basis in pursuance to an advertisement and he was selected.

3.3.2003 : On receipt of the no-objection dated 22.2.2003 the applicant was appointed as stenographer Grade 'C' on deputation basis for one year w.e.f. the date of his joining.

Annexure-II, Page-14

12.1.2004 : The Respondent authorities requested the applicant's parent department to extend the applicant's period of deputation for another one year.

Annexure-III, Page-15

4.2.2004 : Applicant's parent department expressed their no-objection for extending the period of deputation of the applicant for one year, which was received by Respondent No.3 on 3.2.3004.

Annexure-IV, Page-16

4.2.2004 : Impugned order issued by the Respondent No.3 informing the applicant that he was going to be repatriated to his parent department in the first week of March.

Annexure-V, Page-17

6.3.2004 : The applicant submitted his appeal before the appellate authorities.

Annexure-VI, Page-18-22

24 FEB 2004

[Signature]

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI
BENCH : GUWAHATI

(An Application under Section 19
of the Administrative Tribunal Act, 1985)

O.A. NO. 45 OF 2004

Sri Robin Khan ... Applicant

-Versus-

Union of India and others ... Respondents

I N D E X

Sl No.	Annexures	Page No.
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6.	Annexure - IV	: 16
7.	Annexure - V	: 17
8.	Annexure - VI	: 18 - 22

Filed by

Devjit Goswami
Advocate

25.2.2004.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH

(An Application u/s 19 Of The Administrative
Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 45 OF 2004

Shri Robin Khan
S/O Arabinda Khan
Presently working as
Stenographer Grade-C in the
Debts Recovery Tribunal,
Guwahati resident of
Christan Basti, Guwahati:5.

.... Applicant

- Versus -

1. The Union of India,
Represented by the Secretary
to the Government of India,
Ministry of Finance,
Department of Economic
Affairs (Banking Division),
"Jeevan Deep" Parliament
Street New Delhi:110001.

2. The Presiding Officer, Debts
Recovery Tribunal,
Dr. B. Baruah Road, Ulubari,
Guwahati: 781007.

3. The Registrar,
Debts Recovery Tribunal,
Dr. B. Baruah Road, Ulubari,
Guwahati: 781007.

.... Respondents

Filed by the applicant,
Shri Robin Khan &
through Derojit Goswami
Advocate
28/2/04

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:-

1. Order No. DRTG/P-37/2002/90 dated 04.02.2004 issued by the respondent No.3 whereby the applicant was informed that he is going to be repatriated to his parent department in the first week of March'2004 inspite of receiving no objection for extension of deputation from his parent department as desired for by the respondent No.3 vide letter dated 12.01.2004.

2. Action of the authorities in not disposing of the appeal dated 06.02.2004 submitted by the applicant against the repatriation order till date.

2. JURISDICTION:-

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:-

The applicant further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunals Act, 1985.



4. FACTS OF THE CASE:-

1. That the applicant before this Hon'ble Tribunal is working as a Stenographer Grade-C in the Debts Recovery Tribunal at Guwahati and is attached to Presiding Officer of the Tribunal.
2. That the applicant had initially joined his services as a Stenographer Grade-III in the Office of the Managing Director, Assam Hill Small Industrial Development Corporation Limited, Diphu, Karbi Anglong in the scale of pay of Rs. 1,515-40-1,635-1,935-2,715/- (pre-revised). While serving as such in pursuance to an advertisement, the applicant applied for the post of Stenographer Grade-D in the Office of the Debts Recovery Tribunal (D.R.T. in Short) and on being duly selected he was appointed to the post of Stenographer Grade-D in the scale of pay of Rs. 4,000-100-6,000/- vide Office Order No. DRTG/P-37/2002/212 dated 01.03.2002 on deputation basis initially for a period of one year w.e.f. 15.02.2002 and accordingly he joined the post.

A copy of the Office Order dated 01.03.2002 is annexed herewith and marked as Annexure-I.

3. That while serving as such the applicant, in pursuance to an advertisement for the post of

Stenographer Grade-C in the D.R.T., had applied for the same and he was duly selected. In the meantime, the respondent authorities received letter No. KANCH/PF/183/RK/Stenographer/372 dated 22.02.2003, where in the applicant's parent department had expressed its no objection in extending the deputation period of the applicant further for one year after the expiry of his first year of deputation. Thereafter, the applicant was appointed as Stenographer Grade-C in the D.R.T. vide order No. DRTG/Apptt.1(1)/97/Vol-II/203 dated 03.03.2003 on deputation basis initially for a period of one year w.e.f. the date of his joining.

A copy of the order dated 03.03.2003 is annexed herewith and marked as Annexure-II.

4. That the applicant begs to state that since the date of joining in the D.R.T. he has been performing his duties diligently and to the satisfaction of all concerned and till date there has been no such occasion when his superiors had ever expressed any displeasure or dissatisfaction in his performance. When the applicant was completing his 2nd year of the term of deputation, the authorities vide letter No. DRTG/P-37/2002/23 dated 12.01.2004, requested the applicant's parent department to extend the deputation of the

applicant for a further period of one year i.e. 3rd year w.e.f. 16.02.2004 to 15.02.2005 since the office of the D.R.T. was in need of the applicant's services.

Copy of the letter dated 12.01.2004 is annexed herewith and marked as Annexure-III.

5. That pursuant to the letter dated 12.01.2004 (Annexure-III) from the respondent No.3, the parent department of the applicant i.e. Assam Hill Small Industrial Development Corporation Limited by letter No. KANCH/PF/183/91/KR/Steno/414 dated 30.01.2004 expressed that they had no objection to extend the deputation of the applicant for a further period of one year w.e.f. 16.02.2004 as requested by the respondent No.3.

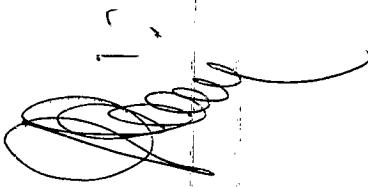
A copy of the letter dated 30.01.2004 is annexed herewith and marked as Annexure-IV.

6. That thereafter the applicant was confident and expecting that his deputation period would be extended by another one year. As such, the applicant is highly shocked and surprised to received the impugned letter/order No. DRTG/Pt-37/2002/90 dated 04.02.2004 issued by the

Respondent No.3 informing the applicant's parent department that the applicant would be repatriated to his parent department in the first week of March' 2004.

It will be relevant to mention here that on 14.01.2004, the applicant due to unavoidable circumstances beyond his control could not reach office in time and thereby he could not attend office duty when call for by the Presiding Officer, D.R.T. On reaching office, the applicant came to know that the respondent No.2 called the applicant for some work and on not finding him the respondent No.2 dictated order to the Registrar to take necessary action, if needed, to repatriate him to his parent department. There the applicant apologized before the respondent No.2 for being late, but it was denied. The applicant then submitted a written apology and also a representation on 23.01.2004 stating the reasons for being late and prayed for pardon. The applicant came to know that the Presiding Officer had taken the above incident seriously and has ordered for repatriation on the applicant inspite of the fact that the applicant's service is required in the DRT.

A copy of the letter dated
04.02.2004 is annexed

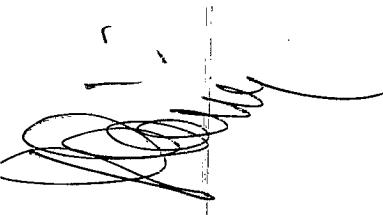


herewith and marked as
Annexure-V.

7. That the applicant thereafter on 06.02.2004 submitted an appeal before the Presiding Officer, D.R.T. through the Registrar (i.e. Respondent No.2) by registered post, as the Registrar denied to accept the same when submitted personally and the appeal was received by the office of D.R.T. on 16.02.2004, but till date the appeal has not been disposed off.

A copy of the appeal dated 06.02.2004 is annexed herewith and marked as
Annexure-VI.

8. That the applicant begs to state that since the date of his joining service there has not been any single occasion when any adverse was ever communicated to him nor there was any lapse of duty on his part except for the incident on 14.01.2004, which was beyond his control. The applicant further states that he has not been show-caused to explain the reason for being delay in reaching the office on 14.01.2004 in time. Moreover the parent department of the applicant is going through financial crisis for the last few years and is not even in a position to give salary to its employees.



9. That the applicant begs to state that after getting extension for the second term the applicant was under genuine expectation and belief that he would be able to serve in the D.R.T. for some more time and accordingly he shifted his large family of dependents including his two minor school going children to Guwahati. The applicant after obtaining transfer certificate got his children admitted in a school at Guwahati, the applicant's elder daughter is studying at Class-IX and she is going to appear at H.S.L.C. examination in the year 2005 and his younger son is studying at Class-V and therefore in such circumstances if the applicant is repatriated to his parent department which is even unable to pay the salaries of the employees therein, the applicant would suffer irreparable loss and injury and it will affect the education and career of his children and since the authorities are intending to repatriate the applicant in the first week of March'2004, the applicant is approaching this Hon'ble Tribunal, having no other alternative remedy and this Hon'ble Tribunal may be pleased to protect the due interest of the applicant by passing an interim order.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :-

i) For that the impugned order repatriating the applicant to his parent department was passed in a most illegal, arbitrary and discriminatory

manner and as such the same is bad in law and is liable to be set aside.

ii) For that the respondent No.3 by letter dated 12.01.2004 requested the parent department of the applicant for extension of deputation of the applicant as the Tribunal is in need of service of the applicant and accordingly the management of applicant's parent department gave their no objection by letter dated 30.01.2004 which was received by the respondent No.2 on 03.02.2004 and on the very next day i.e. 04.02.2004 the repatriation order was issued. The repatriation order did not mention any reason as to what transpired the respondent that within one day of getting no objection from the parent department that the service of the applicant was no longer required. As such, the impugned order is malafide and discriminatory and the same is bad in law and liable to be quashed and set aside.

iii) For that the applicant was not show caused nor explanation was called for the incident on 14.1.04 and as such the impugned order amount to punishment which is sever and disproportionate to the incident and as such the same is bad in law and liable to be set aside.

iv) For that the applicant's children are in the midst of their academic session and as such

X

repatriation to his department at this stage would hamper the academic career of his children and as such the order of repatriation sought to be given by the authorities at this stage is bad in law and is liable to be set aside.

v) For that, in any view of the matter of impugned order are bad in law and liable to be set aside.

6. DETAILS OF REMEDY EXHAUSTED:-

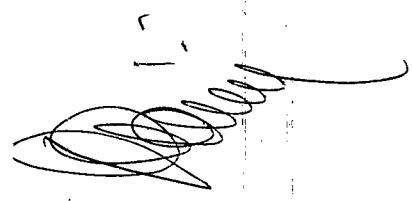
The applicant on 6.2.04 submitted an appeal before the Presiding Officer, D.R.T. (i.e. the appellate authority through the Respondent No.3, but till date there has been no response.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. PRAYER:-

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire



8

records of the case, ask the Respondents to show cause as to why the impugned order dated 04.02.2004 (Annexure-V) should not be set aside and quashed and after perusing the causes shown, if any and hearing the parties, set aside the impugned order dated 04.02.2004 (Annexure-V) and/or pass any other order/orders as Your Lordships may deem fit and proper so as to grant adequate relief to the applicant.

And for this act of kindness, the applicant as in duty bound shall ever pray.

9. INTERIM ORDER IF ANY PRAYED FOR:-

It is, further prayed that pending disposal of the application Your Lordship would be pleased to stay the operation of the impugned order dated 04.02.2004 (Annexure-V).

10. DOES NOT ARISE:

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE.

(i) I.P.O No. : 11G 378423

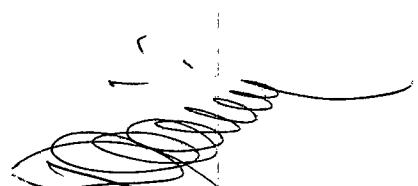
(ii) Date. : 25.2.2004

(iii) Issued by Guwahati Post Office.

(iv) Payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the INDEX



VERIFICATION

I, Sri Robin Khan, Son of Arabindra Khan, aged about 39 years, Resident of Christian Basti, Guwahati, P.O. Dispur, Dist- Kamrup, Assam presently serving as Stenographer Grade-C in the Debts Recovery Tribunal, Guwahati do hereby verify that the statements made in Paragraphs No. 1, 7, 8 and 9 are true to my personal knowledge and the statements made in paragraphs No. 2, 3, 4, 5 and 6 are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this 25th day of February, 2004 at Guwahati.

Place: Guwahati

Date: 25. 2. 2004

Sri Robin Khan

SIGNATURE OF THE APPLICANT

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEBTS RECOVERY TRIBUNAL
APSARA BUILDING, 2-3 FLOOR
Dr B. GARUAH ROAD, GUWAHATI-7

NO.DRTG/P-37/2002/212

Dated : 01-03-02

OFFICE ORDER

Sri Robin Khan, Stenographer Grade-III in the scale of pay Rs.1515-40-1835-1935-2715/- (pre-revised), office of the Managing Director, Assam Hill Small Industries Development Corporation Ltd., Diphu, Karbi Anglong is hereby appointed to the post of Steno Grade 'D' in the Debts Recovery Tribunal, Guwahati in the scale of pay Rs.4000-100-6000/- on deputation basis initially for a period of one year w.e.f. 15.02.02 (F.I.). His deputation terms will be regulated in term of Govt. of India, Ministry of Finance, G.O.M.R.F.1(T)-E-III (B)/75 dt. 7.11.75 as amended from time to time.

To,

Sri Robin Khan,
Steno Grade-'D'
DRT, Guwahati.

(Md. A. Khalique)
Presiding Officer

Copy to :-

1. The Under Secy. to the Govt. of India, Ministry of Finance, Deptt. of Economic Affairs (Banking Divn.) New Delhi-1.
2. The Pay & Accounts Officer, Pay & Accounts Office, Ministry of Finance, Deptt. of Economic Affairs New Delhi-2.
3. The Managing Director, A.H.S.I.D.C.Ltd., Diphu, Karbi Anglong, Dibrugarh, Pin:782460.
4. The Accounts Section, DRT, Guwahati-7.
5. The Gaurd File.
6. The Personal File,

(Md. A. Khalique)
Presiding Officer

Attested by
Parvati Gorwani
Advocate.

CONT'D.....
MINISTRY OF FINANCE
DEBTS RECOVERY TRIBUNAL
APSARA BUILDING, 2 & 3 FLOOR
Dr. B. BARUAH ROAD, GUWAHATI-7

NO. DRTG/Apptt. 1(1)/97/Vol. II/203

Dated : 3/3/83

OFFICE ORDER

Sri Robin Khan, Stenographer Grade 'D' on deputation basis to the Debts Recovery Tribunal, Guwahati has been selected for appointment to the post of steno Gd. 'C' on deputation basis in the scale of pay Rs.5500-175-9000/- P.M. initially for period of 1 (one) year w.e.f. the date of his joining this deputation terms and conditions will be regulated in accordance with the Deptt. of personal & training OM.NO.2/29/91-Estt.(pay-II) dt.5.9.94 as amended from time to time.

To
Sri Robin Khan,
Steno Gd. 'D',
DRT, Guwahati-7.

Done
(Smt. L. Bora)
Registrar

Copy to :-

1. The Secy. Cum. Devt. Officer (Admn.)
A.H.S.I.D.C. Ltd. Diphu,
2. The Under Secy. Govt. of India, Ministry of Finance, New Delhi-1
3. The Pay & Accounts Officer, Pay & Accounts Office, Ministry of Finance, (Banking), AGCR, Building, 1st Floor, New Delhi-2.
4. The Guard file.
5. The Accounts Section DRT, Ghy
6. The Personal file .

Sd/-
(Smt. L. Bora)
Registrar

Attested by
Durgit Goswami
Advocate

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEBTS RECOVERY TRIBUNAL
APSARA BUILDING, 2-4 FLOOR
D/ B. BARUAH ROAD, GUWAHATI-781001

ANNEXURE III

NO.DRTG/P-37/2002/23

Dt. 12/11/04

To

The Managing Director,
Assam Hills Small Industries Devt. Corporation Ltd.,
Diphu, Karbi-Anglong.

Sub :-

Extension of deputation period in the
Debts Recovery Tribunal, Guwahati for
a further period of one year in respect
of Sri Robin Khan, Steno.

Sir,

With reference to the subject cited above,
I am directed to inform you that Sri Robin Khan, Steno.
of your office on deputation basis to this Tribunal is
going to complete his 2nd year deputation term on
15.2.04.

~~Since this office needs his services and
the official is also interested for extension of
deputation for a further period of one year i.e. 3rd year.~~

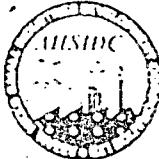
~~You are therefore requested to kindly grant
for a further period of one year deputation w.e.f. 16.2.04
to 15.2.05.~~

Yours faithfully,

Bora
(SMT. L. BORA)
REGISTRAR

Attested by
Paragit Goswami
Advocate.

ALL SMALL INDUSTRIES
MENT CORPORATION LTD.
GOVT. OF ASSAM UNDERTAKING)



-16-

ANNEXURE

Registered Office:
Dilajee, Diphu
Pin - 782 460
Gram: INDIHILL
Phone: 2408 / 2648

To,

Smti L.Bora, Registrar,
Debts Recovery Tribunal,
Guwahati - 781007,

Ref: No KANCIPPF/183/
91/RK/Steno/414

Date 30.01.04.

Sub :- Extension of deputation period of Shri R.Khan,
Steno, Gr-B. w.e.f. 16.2.04.
Ref :- No. DRTG/P-37/2002/23, dt. 12.1.04.

Madam,

With reference to your letter number and the subject cited above, I am directed to inform you that the Management of the Corporation has no objection to extend deputation of Shri R.Khan, Steno, Grade-C for further another one year w.e.f. 16.2.04 as requested by you under reference.

Yours faithfully,

(D.C.Ghain.)
1/c.Adams.

Copy to :-

1. Shri R.Khan, Steno, Grade-D, Debts Recovery Tribunal, B.Baruah Road, Guwahati-781007, for information.
2. The 1/c.A.O., AHSIDC Ltd., for information & necessary action
3. The Supdt.(E), AHSIDC Ltd., for information & necessary action.

16.2.04
(D.C.Ghain.)
1/c.Adams.

Received by
DRT on 3/2/04

Attested by
Parvati Goswami
Advocate.

GOVERNMENT OF INDIA
MINISTRY OF FINNCE
DEBTS RECOV. TRIBUNAL
APSARA BUILDING, 1ST FLOOR
D. B. DARRAH ROAD, GUWAHATI-7

ANNEAURE

NO.DRTG/P-37/2002/90

Dt. 4/2/04

To
The Secretary-cum-Devt.Officer & i/c Admin.,
Assam Hills Small Industries Development
Corporation Ltd.,
Dilajee,Diphu.

14.01.04.

Sub : Repatriate to parent Deptt. in respect
of Sri Robin Khan, Steno.Gd. 'C'.

Sir,

With reference to the subject cited
above, I am directed to inform you that Sri Robin Khan, an
Stenographer of your office who is working as Steno.Gd. 'C'
on deputation basis in this tribunal is going to be
repatriated to his parent Department in ^{the} first week of
March 2004.

This is for your information.

Sd/-
(SMT. L. BORA)

REGISTRAR

Copy to :-

1) Sri Robin Khan, Steno.Gd. 'C' DRT, Guwahati
for information.
2) The Accounts Section, DRT, Guwahati.

Bora 4/2/04

(SMT. L. BORA)

REGISTRAR

S/

A Hosted by
Parvati Goswami
Advocate

Regd with A/D

ANNEXURE - VI

Date : 06/02/04.

To

The Registrar,
Debts Recovery Tribunal,
Dr. B. Baruah Road, Ulubari,
Guwahati-781007.

Sub : Appeal.

Ref : Order No. DRIG/P-37/2002/90 dtd. 04/02/04.

Madam.

I am highly aggrieved by the above-quoted order by which I have been suddenly repatriated to my parent department inspite of the fact that extension of my deputation period was requested on 12/01/04 and my parent department has also conveyed their No Objection to the extension. If I am repatriated at this stage, my whole family, including my two minor school-going children will have to face great hardship, and as such I am submitting this Appeal to the Hon'ble Presiding officer, being confident that I will get due justice, from him.

I, therefore, request you to kindly put up my Appeal before the Hon'ble Presiding officer with your favourable comments.

Yours faithfully,

Enclo : Appeal to the
Hon'ble Presiding
officer, D.R.T.,
Guwahati.

(R. Khan)
Stenographer Gr-C
D.R.T., Guwahati

Attested by
Pengjot Gowane
Advocate.

To

Date : 06/02/04.

The Hon'ble Presiding officer,
Debts Recovery Tribunal,
Govt. of India (Ministry of Finance),
Dr. B. Baruah Road, Ulubari,
Guwahati - 781007.

Through the Registrar, Debts Recovery Tribunal, Guwahati.

Subject: Appeal.

Ref : Order No. DRTG/P-37/2002/90 dated 04/02/04.

Sir,

I may kindly be excused for taking this indulgence and encroaching upon your valuable time with this Appeal as I genuinely feel that a great injustice has been done to me while passing the above-quoted order without understanding the implications it will have on me and my family members including my aged parents and minor children. I am confident that your goodself will give the due consideration this Appeal deserves and re-consider the entire matter.

1) That while serving in the Assam Hills Small Industries Development Corporation Ltd., in pursuance to an advertisement I had applied for the post of Stenographer Gr-D in this office, and on being selected, I was, by Office order No. DRTG/P-37/2002/212 dated 01/03/02 issued by your goodself, appointed as a Stenographer Gr-D on deputation basis initially for a period of one year w.e.f. 15/02/02, and I duly joined the said post. Your goodself will appreciate that from the date of my joining service I have been carrying out my duties sincerely and to the best of my abilities, and your goodself, at no point of time, ever expressed any displeasure or dissatisfaction against my official duties.

2) In pursuance to an advertisement for Stenographer Gr-C on deputation basis, I had applied for the same, and on being selected, I was, by Office order No. DRTG/ Apptt.1(1)/97/Vol.II/203 dated 03/03/03, appointed to the post of Stenographer Gr-C on deputation basis for a period of one year. I assumed charge of the same post and I have been discharging my duties sincerely

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and to the best of my abilities.

Being satisfied with my services, this Tribunal, by Letter No. DRTG/P-37/2002/23 dated 12/01/04, requested my parent department to extend the period of deputation for a further period of one year since my services were required.

3) That I have a large family of dependents including my aged parents and two minor children, and initially for the first year my family stayed back at Diphu. However, since I was expecting to be selected and appointed as Stenographer Gr-C and I had expected that my stay in Guwahati would be much longer, I shifted my family to Guwahati in a rented accommodation and I have already, in the year 2003, got them admitted in a School in Guwahati after obtaining Transfer Certificate from their original school in Diphu. Unfortunately, unwittingly and for reasons beyond my control, on 14/01/04 I reached office about 45 Minutes to 1 Hour late for which your goodself has already taken me to task. I, with all humility, explained to your goodself as to why this one lapse took place and I assured your goodself that it would never occur again, but your goodself, may be rightly so, refused to condone this lapse on my part. I have also submitted a representation to your goodself on 23/01/04 explaining the entire situation and also hoping that with the passage of time your goodself would get over the initial anger and condone the lapse, if any, on my part.

Meanwhile, in response to the Letter dated 12/01/04 for extension of my deputation period, my parent department, by Letter No. KANCH/PP/183/91/RK/Steno/414 dated 30/01/04 had sent their No objection to extend my deputation and I was confident that my deputation would be extended by another one year. As such, I was shocked to receive the Order No. DRTG/P-37/2002/90 dated 04/02/04 whereby my parent department was informed that I would be repatriated to my parent department in the first week of March, 2004.

4) I humbly submit that because of the attending circumstances I was under the genuine expectation that my service in this august Tribunal ~~will~~ would continue

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for sometime and on this expectation I had shifted my family to Guwahati. and if I am now suddenly repatriated, I alongwith my family will face immense difficulties. and the life and career of my two minor children would be put to jeopardy.

5) Since even on 12/01/04 your goodself felt that my services were needed and had requested for extension of my deputation period, the only reason for my sudden repatriation is because of the incident of 14/01/04 when I reached office about 45 Minutes to 1 Hour late, and this is the only lapse in my entire service career. Repatriating ^{at} me this stage when my services are required will amount to a penalty without giving me the opportunity of being heard.

most fervently
I, therefore, pray before your goodself to once again consider my Appeal judiciously and condone the lapse on my part, if any, and allow me to continue to serve your goodself for atleast another year.

Yours faithfully

(R. Khan)
Stenographer Gr-C
D.R.T., Guwahati

ACKNOWLEDGEMENT DUE CARD

To

Sri Robin Khan,
(Stenographer, D.R.T., Guwahati)
C/o Sri Hareswar Sharma,
Udayachal,
Christian Basti,
Guwahati-781005.

B
16/2/64



From :

The Registrar,
Debts Recovery Tribunal,
Dr. B. Baruah Road,
Ulubari,
Guwahati-781007.